

**IN THE UNITED STATE DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

UNITED STATES OF AMERICA,

V.

CRIMINAL ACTION NO. 2:21-cr-00062-1

LARRY ALLEN CLAY, JR.,

DEFENDANT.

**MOTION OF DEFENDANT LARRY CLAY TO REOPEN
POST-TRIAL MOTIONS AND TO ALLOW DEFENDANT
TO FILE A MOTION FOR NEW TRIAL/MISTRIAL
BASED UPON AN UNWAIVABLE CONFLICT**

Now comes Defendant, Larry Allen Clay, Jr., by his undersigned counsel, Timothy J. Lafon, and moves this Honorable Court to allow the Post-Trial Motions to be reopened to allow the Defendant to file a Post-Trial Motion based upon an unwaivable conflict with his prior counsel. Since the Motion for a New Trial based upon the conflict between the Defendant and his counsel would not have been raised by prior counsel as it implicated the conduct of the Defendant's counsel justice would require an allowance for new counsel to file a Motion based thereupon.

Therefore, the Defendant, moves this Honorable Court for an Order based upon this Motion to file a Motion based upon an unwaivable conflict between the Defendant and his prior counsel and for such other and further relief as this Court deems just.

LARRY ALLEN CLAY, JR.

By Counsel,

CICCARELLO, DEL GIUDICE & LAFON

By: /s/ Timothy J. LaFon
Timothy J. LaFon (WV #2123)
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Counsel for Defendant

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CERTIFICATE OF SERVICE

I, Timothy J. LaFon, do hereby certify that the foregoing **“MOTION OF DEFENDANT LARRY CLAY TO REOPEN POST-TRIAL MOTIONS AND TO ALLOW DEFENDANT TO FILE A MOTION FOR NEW TRIAL/MISTRIAL BASED UPON AN UNWAIVABLE CONFLICT”** has been served upon all parties via the Court’s electronic filing system on the 4th day of December, 2024

Jennifer Rada Herral, Assistant U.S. Attorney
U.S. Attorney’s Office
300 Virginia Street, East, Room 400
Charleston, West Virginia 25301

CICCARELLO, DEL GIUDICE & LAFON

By: /s/ Timothy J. LaFon
Timothy J. LaFon (WV #2123)
Counsel for Defendant